

they could not come into this Capitol, as I did when I was a law student here in Washington or when I first came here with my parents as a teenager. If we could not be here, the public could not come in and see us debate great matters and tiny matters, they could not see that.

Mr. President, at the time of the breakup of the Soviet Union, I remember so many who came here and met with all of us and asked, "How does your democracy work," and they told me—I heard this over and over again—that they would see the picture of our Capitol when they came to Washington, that was the thing they recognized before anything else. They said they saw it sitting up here.

I have been coming to this Capitol Building as a Senator for 24 years. I feel a thrill every time I come up here. I hope I always will because I know it represents democracy. These two brave officers, just like the hundreds of other men and women who guard these Halls, they keep it open. Let's hope they always will. Let us hope that we always have the courage to do that. Then the lives that every one of us would pray we could bring to the family, those lives would not be lost in vain.

Like some others in this body, I had the privilege to serve in law enforcement for years before coming here. I know how all of us felt in law enforcement at that time if one of our own was cut down. I think if you have not served in law enforcement it is almost impossible to explain to the American public how other law enforcement officials feel when they lose one of their own. I know how the men and women in the police force here on Capitol Hill feel, but also how they feel all over the Nation. This is a loss. This is a family, a fraternity, a sorority. It is something that binds all law enforcement people together.

I am joined with every single person who works on Capitol Hill in an expression of appreciation to them and to everybody who responded—all the police officers responded, medical personnel responded. I will take just 1 minute more to express my personal appreciation to Senator BILL FRIST for what he did. I spoke with Senator FRIST yesterday and told him how much his actions meant to me, to my wife, who is a registered nurse. She knows when something like this happens, if you are a medical personnel, you respond. But he responded not only with his great skill as a cardiac surgeon, he responded when there was gunfire erupting only moments before and there might have been more, with no thought to his safety, but thinking of only those who may have been injured.

Mr. President, it is a sad day. Let us say also it is a proud day to our country because this symbol of democracy will not be closed down by the actions of one deranged American, any more than it was in the 1980s when the bomb went off outside this Chamber at night just minutes after we recessed. I re-

member so well the next morning, every single one of us was in our seats. We were here to show we wouldn't stay home. And we will be here today, as will the President and the Vice President, all of the House and Senate leadership, and the Members, to show nothing closes us down.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—H.R. 4250

Mr. CAMPBELL. Mr. President, I understand that H.R. 4250, the Patient Protections Act, has arrived from the House and is now at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (H.R. 4250) to provide new patient protections under group health plans.

Mr. CAMPBELL. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

#### TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

Mr. CAMPBELL. Mr. President, I now ask unanimous consent that the Senate now proceed to the consideration of S. 2312, the Treasury-Postal appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 2312) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

Mr. CAMPBELL. Mr. President, I am pleased to lay before the Senate the committee recommendation for the Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies. The bill crafted by the Subcommittee on Treasury, Postal Service, and General Government contains a total of \$29,923,547,000 in new budget authority.

Of that amount, \$13,613,547,000 is in mandatory accounts, and \$3,250,000,000 is provided for much-needed funding for all Federal agencies to address the year 2000, or Y2K, computer problem,

contingent upon an emergency designation by the administration.

The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administrative initiatives, and agency needs. This would not have been possible without the hard work and cooperation from my friend and colleague, Senator KOHL, the subcommittee ranking member, and his staff. It was not easy to strike this balance while staying within our mutually agreed-upon fiscal constraints. As most of our colleagues are aware, approximately 80 percent of the accounts in this bill are for salaries and expenses, meeting those needs, and increasing our flexibility to fund new initiatives and congressional priorities.

The committee recommends a funding of \$11,555,000,137 for title I for the Department of Treasury. This is \$176.653 million more than the fiscal year 1998 enacted level. The committee has again placed a priority on promoting the Treasury's law enforcement, ensuring that they can hire, train, and retrain the best of Federal law enforcement, while at the same time support efforts by State and local law enforcement.

There are some provisions of title I that I would like to highlight for colleagues. This bill includes \$132 million for law enforcement initiatives through the violent crime reduction trust fund, known as the VCRTF; continuation and expansion of the Gang Resistance Education And Training Program, called the GREAT Program—to help our young people develop the skills to stay out of trouble; \$27 million to continue and expand the Youth Crime Gun Interdiction Initiative—to allow Federal, State, and local law enforcement to stem the tide of illegal firearms trafficking to the youth of this country. It includes doubling a staff level for the Customs Service antichild pornography efforts; full funding for Southwest border technology enhancements and staffing; additional funding for the IRS for much-needed customer service initiatives.

In title II, the committee recommends an appropriation of \$71.195 million for the U.S. Postal Service. Under the provisions of this bill, the Postal Service is required to provide free mailing for overseas voters and the blind, maintain 6-day delivery and rural delivery, as well as prohibited from consolidating or closing small and rural post offices.

Title III is the Executive Office of the President and funds appropriated to the President. The total recommendation for title III is \$3,838,441,000. This includes the White House Office, the Office of Management and Budget, the Office of the National Drug Control Policy, the Federal drug control programs, and funding for the National Antidrug Media Campaign.

Also included is the information technology system and related expenses account to deal with the year 2000 problems.

Of special note are: \$13 million for the continuation of the technology transfer program under the drug czar's office—to allow State and local law enforcement to benefit from research and development; \$175 million to continue the National Antidrug Media Campaign; continued funding for high-intensity drug trafficking areas, known as HDTAs.

Title IV is independent agencies such as the Federal Election Commission, General Services Administration, and the National Archives, in addition to agencies involved in Federal employment, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Personnel Management, and the Office of Special Counsel. The committee recommends \$14,458,969,000 for this title.

Of particular interest to many of our colleagues is the funding level for the General Services Administration, which includes \$500 million for new courthouse construction.

In order to stay within the 302(b) allocations, we were forced to make many difficult decisions regarding outlays. Although I know this is not unique to the Treasury and General Government Subcommittee, our outlays allocations forced us to make difficult choices, which we would not have otherwise made.

This bill deserves the support of the Senate. I believe I can honestly say that although not everybody got what they wanted, we did our best to accommodate all of our colleagues' requests. I must remind my colleagues that if you are considering any additional spending in this bill, it must be offset.

Finally, none of this would have been possible without the work and support of Senator KOHL. I particularly thank Barbara Retzlaff of his staff, who consistently brings her knowledge and expertise to this bill, and also our own staff, Pat Raymond, Tammy Perrin and Lula Edwards, who have worked so hard and so many evenings on this bill.

At this time, I yield the floor to my friend, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, before I get started, I express my deep sympathy to the families of Officers John Gibson and Jacob Chestnut. I also want to express my thanks to these brave heroes and to all the other law enforcement officers here in the Capitol and all over our great country who put their lives on the line every day to keep the rest of us safe. The two fallen officers are true heroes. They died protecting the Nation's most precious symbol of democracy and protecting the people who work here and who visit here. I hope their families take some comfort in the deep respect, gratitude, and pride all of us here feel for their acts of bravery.

Mr. President, I thank Senator CAMPBELL for his dedication to resolving many issues, large and small, on this Treasury and General Government appropriations bill.

Throughout this process, he has forged a cooperative relationship not only with me, but with all of the subcommittee members. Throughout his cooperative approach, we were able to work out a reasonable balance among the many programs and activities under the jurisdiction of this subcommittee. In addition, I want to acknowledge the very fine work of the chairman's staff, including Pat Raymond, Tammy Perrin, and Lula Edwards.

As Senator CAMPBELL mentioned, the Treasury and General Government appropriations bill continues and expands many investments in our future. Just for example, the Internal Revenue Service funding level is of critical importance. By passing the IRS restructuring legislation, Congress sent a clear message to the public and to the IRS that it is time for the IRS to provide American taxpayers with the kind of service they have a right to expect. In response, IRS is undertaking its most profound restructuring in more than 40 years. From business practices to organizational structure, the IRS of the future will act differently than the agency we know today.

This appropriations bill provides the IRS over \$7.8 billion to continue basic operations while initiating these changes. These funds will launch the new customer service initiatives, the submission and processing of investments, and the compliance research systems requested by the administration. The funding level will let the IRS revamp its business practices so IRS staff can focus on understanding, solving, and preventing taxpayer problems.

To effectively update the Federal Government's computer system for the century date change, the committee added \$3.2 billion to the Treasury and General Government appropriations bill. This work must be completed in the next 12 months, so money must reach all Federal agencies quickly. By including this emergency funding, the committee provides the Federal Government with the tools it needs to ensure that critical Government functions continue smoothly.

Law enforcement activities are another important part of this bill, and the committee has provided over \$3 billion to continue and expand these programs. Included in this funding level is full funding for the GREAT Program, which provides local police departments the resources necessary to help children avoid the temptation of gangs or drugs; the Youth Crime Gun Interdiction Initiative, which traces illegal guns and establishes State and local links necessary to end gun trafficking and youth and gang-related violence; and the Customs' Child Pornography and Cyber Smuggling Program, which prevents illegal trafficking and dis-

tribution of child pornography both into and throughout the United States.

The Office of National Drug Control Policy's media campaign receives continued funding of \$175 million in this bill. This is the second year of a 5-year program aimed at changing attitudes towards drugs. The committee hopes to see dramatic results from this investment—an investment that is four times greater than the funding provided for GREAT, Youth Gun Crime, and Child Pornography Prevention Programs combined.

Finally, I want to talk about the Federal Election Commission. This bill provides the FEC with \$33.7 million. This is \$2.8 million less than the funding provided by the House, and I hope we will bring the funding level up to the House figure. The need for this funding is clear. In congressional testimony earlier this year, FEC officials said they were forced to drop more than 100 cases because they did not have enough people to handle the caseload.

As you all know, Congress has not been able to agree on campaign finance reforms. But we all agree that the current law must be enforced. And that cannot happen without a fully funded FEC.

In an era of explosive spending on campaigns through innumerable avenues, both legal and illegal, we owe it to the American people to fully fund the only campaign watchdog we have.

Finally, we have tried to accommodate numerous requests for funds while remaining within the funding restrictions imposed by the subcommittee allocation. Although we are required to make substantial reductions in the President's request level, I believe that programmatic funding levels included in this bill are fiscally responsible and very reasonable.

I thank the Chair. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the following individuals have floor privileges for the duration of the consideration of S. 2312, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1999: Ms. Tammy Perrin and Ms. Lula Edwards.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, before I send the first amendment to the desk, I would like to associate myself with the remarks made by Senator LEAHY, whom I found to be very poignant and very moving in his tribute to the two slain officers.

Today, Mr. President, is sad day indeed for the congressional family, because in just 30 minutes—in fact, a little less than that—we will all participate in a memorial for Detective John Gibson and Officer "J.J." Jacob Joseph Chestnut, who gave their lives in the line of duty this past Friday.

In fact, the Capitol Police patch which I wear today in memory and honor was given to me by Detective

Gibson just a few weeks ago. As late as 2 weeks ago, he was kind enough to come out all the way to Dulles Airport when I had a delayed flight and get me here on time for a vote on Monday night.

I was a military policeman, Mr. President, and a deputy sheriff in my younger days. Like most former law enforcement officers, like Senator LEAHY was, perhaps the death of these two wonderful men touched us in a very special way, because for law enforcement people, when a law enforcement officer is killed, it is not like losing a stranger or a colleague, it is like losing a brother or a sister.

But our system of democracy mandates that our citizens, who own this building, have a right to enter it at any time. I think that is the way it should be. Most of us want to keep it that way, as Senator KOHL has alluded to.

Today, however, we debate the Treasury, Postal, and General Government appropriations bill. This bill, above any bill with which we have wrestled, determines the use of and restrictions on firearms. The framers of the Constitution, I believe, could never have foreseen the nuances that have come into play in modern America when we discuss our second amendment rights.

Mr. President, in this very saddened atmosphere in which we bring our bill to the floor, I suppose some of our colleagues may be tempted in the heat of the time to load this bill down with gun amendments. I, frankly, hope that does not happen. It may be the right issue. It may be the right place to talk about them. But this is not the right time. To use this bill as a vehicle for any rush to judgment with those amendments, or to use it as an anti-second amendment platform, I think would be inappropriate and unwise.

No one is more saddened at the loss of our two officer heroes than I am. But I would like to tell my colleagues who are watching these proceedings in their offices now that I intend to move to table any gun amendments that may be offered during this tragic time.

#### AMENDMENT NO. 3340

Mr. CAMPBELL. With that, Mr. President, I send the first amendment to the desk on behalf of Senator FAIRCLOTH, Senator KOHL, and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. FAIRCLOTH, and Mr. KOHL, proposes an amendment numbered 3340.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike Section 639 on pages 96 and 97 in its entirety and insert in lieu thereof the following:

"SEC. 639. For purposes of each provision of law amended by section 704(a)(2) of the Eth-

ics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems."

Mr. CAMPBELL. Mr. President, in January of 1999 the rank-and-file Federal employees will automatically receive a salary adjustment based upon the employment cost index. Most people refer to this as the COLA. Some simply call it a pay raise.

Under current law, a similar adjustment is made to the salaries of senior-level Federal employees, Members of Congress, and Federal judges also. This adjustment is automatic under the provisions of the Ethics Reform Act of 1989, unless Congress takes an affirmative action to block the increase.

The bill before us today includes the language to prevent the automatic pay adjustment from going into effect in January for Members of Congress, Federal judges, and senior-level employees of the executive branch.

The text of the provision is slightly different from that which passed the House of Representatives and, therefore, makes it a conferenceable item.

This amendment which we offer today makes that provision identical to the House-passed version.

I am happy to yield to my colleague, Senator KOHL, if he has any statement on this.

Mr. KOHL. Mr. President, I agree with the comments of Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 3340) was agreed to.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENTS NOS. 3341 THROUGH 3346, EN BLOC

Mr. CAMPBELL. Mr. President, I send to the desk the managers' package of amendments and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. CAMPBELL), proposes amendments numbered 3341 through 3346 en bloc.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

#### AMENDMENT NO. 3341

At the appropriate place at the end of title I, insert:

SEC. \_\_\_\_ Section 921(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "the explosive in a fixed shotgun shell" and insert "an explosive";

(2) in paragraph (7), by striking "the explosive in a fixed metallic cartridge" and inserting "an explosive"; and

(3) by striking paragraph (16) and inserting the following:

"(16) The term 'antique firearm'—

"(A) means any—

"(i) firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

"(ii) replica of any firearm described in clause (i), if such replica—

"(I) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

"(II) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; and

"(iii) muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, that—

"(I) is designed to use black powder, or a black powder substitute; and

"(II) cannot use fixed ammunition; and

"(B) does not include any—

"(i) weapon that incorporates a firearm frame or receiver;

"(ii) firearm that is converted into a muzzle loading weapon; or

"(iii) muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof."

Mr. GRASSLEY. Mr. President, I wish to make a few comments on the muzzle loader amendment which we are considering.

The purpose of the amendment is to exempt certain muzzle loading weapons from regulation under the Gun Control Act (GCA), 18 U.S.C. Chapter 44. Under current law, "antique firearms" are exempted from the definition of "firearm" in section 921(a)(3) of the GCA and are, therefore, not subject to the interstate controls, licensing provisions, record keeping requirements, or restrictions on possession that apply to firearms. Thus, antique firearms can be sold interstate via mail-order, no records of their sale are kept, and they may be lawfully possessed by any U.S. citizen. The existing definition of "antique firearm" exempts firearms manufactured in or before 1898, replicas of such firearms that utilize matchlock, flintlock, percussion cap, or other primitive types of ignition systems including primers and battery cup primers and other replica firearms that utilize ammunition that is no longer available in commercial channels.

In recent years, there has been a strong increase in popularity in hunting and target shooting involving muzzle loading firearms which could not have been foreseen when the current law was written. As in any other sporting equipment, the technology was refined to provide safer and more reliable equipment, much like the compound bow evolved from the original long bow. Most states now offer a muzzle loading hunting season to improve deer herd management. There have been numerous technological improvements in

muzzle loading weapons, including safer propellant, safety mechanism, projectiles, and ignition systems.

As is the case with the compound bow, many of the muzzle loading weapons now produced bear little physical resemblance to traditional antique firearms produced prior to 1898. Significantly, they all require the placing of a propellant down the barrel, pushing a bullet down the barrel on top of the powder, then placing an ignition system behind the powder just as all muzzle loaders have for more than 100 years. Since the BATF has determined that certain of these weapons are not "replicas" under the definition of "antique firearms", they are regulated as "firearms" under the GCA. The BATF has restricted only one inline muzzle loader, the Knight DISC rifle, which is produced in my home state of Iowa, even though Remington states that their muzzle loader is built from their 700 Centerfire.

The amendment would expand the definition of the term "antique firearm" to encompass these modern muzzle loading sporting firearms used by hunters, target shooters, and other sportsmen. The amendment would include within the definition of "antique firearm" a weapon that: (1) is a muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol; (2) is designed to use black powder or a black powder substitute; (3) uses any ignition system; (4) cannot use fixed ammunition; (5) does not use the serial numbered frame or receiver of a firearm; (6) has not been converted from a firearm; and (7) cannot be readily converted to fire fixed ammunition by replacing the barrel, bolt, or breechlock.

The language requiring that the antique firearm not use the frame or receiver of a serial numbered firearm, not be converted from a firearm, and cannot be readily converted to fire fixed ammunition is to prevent the conversion of modern firearms into percussion cap "antique firearms". BATF is concerned that, without this language, various single shot, bolt action, slide action and semi-automatic weapons, and even certain machine guns, could be converted into muzzle loading weapons and then converted back to fire conventional fixed ammunition merely by replacing the barrel or other components. The weapon could then be sold as an "antique firearm" without any GCA controls. Many components which alter the form and function of firearms are available to be easily converted from one form of firearm to another. However, there are no products currently in commercial trade which would convert a muzzle loader to a firearm or a firearm to a muzzle loader.

Since the amendment is limited to muzzle loading rifles, muzzle loading shotguns, and muzzle loading pistols, it would not allow grenade launchers, bazookas, machine guns, or anti-tank guns to be excluded from the regulation. Also, since this amendment will

be adopted on the floor, there isn't any report language to assist courts and industry in interpreting the status of muzzle loaders. I hope my comments will serve this purpose.

AMENDMENT NO. 3342

(Purpose: to appropriately reflect the liquidation of debt)

At the appropriate place, strike and insert the following: Page 11, on line 23 strike "\$2,854,000,000" and insert in lieu thereof "\$3,317,690,000".

AMENDMENT NO. 3343

(Purpose: To provide for reform of the overtime pay of Federal firefighters, and for other purposes)

At the end of title VI add the following new section:

**SEC. —. FEDERAL FIREFIGHTERS OVERTIME PAY REFORM ACT OF 1998.**

(a) IN GENERAL.—Subchapter V of chapter 55 of title 5, United States Code, is amended—

(1) in section 5542 by adding at the end the following new subsection:

"(f) In applying subsection (a) of this section with respect to a firefighter who is subject to section 5545b—

"(1) such subsection shall be deemed to apply to hours of work officially ordered or approved in excess of 106 hours in a biweekly pay period, or, if the agency establishes a weekly basis for overtime pay computation, in excess of 53 hours in an administrative workweek; and

"(2) the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay under section 5545b (b)(1)(A) or (c)(1)(B), as applicable, and such overtime hourly rate of pay may not be less than such hourly rate of basic pay in applying the limitation on the overtime rate provided in paragraph (2) of such subsection (a)."; and

(2) by inserting after section 5545a the following new section:

**"§ 5545b. Pay for firefighters"**

"(a) This section applies to an employee whose position is classified in the firefighter occupation in conformance with the GS-081 standard published by the Office of Personnel Management, and whose normal work schedule, as in effect throughout the year, consists of regular tours of duty which average at least 106 hours per biweekly pay period.

"(b)(1) If the regular tour of duty of a firefighter subject to this section generally consists of 24-hour shifts, rather than a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) paragraph (1) of such section shall be deemed to require that the annual rate be divided by 2756 to derive the hourly rate; and

"(B) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on the hourly rate under subparagraph (A);

"(2) For the purpose of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(A)) for all hours in such firefighter's regular tour of duty (including overtime hours).

"(c)(1) If the regular tour of duty of a firefighter subject to this section includes a basic 40-hour workweek (as determined under regulations prescribed by the Office of Personnel Management), section 5504(b) shall be applied as follows in computing pay—

"(A) the provisions of such section shall apply to the hours within the basic 40-hour workweek;

"(B) for hours outside the basic 40-hour workweek, such section shall be deemed to require that the hourly rate be derived by dividing the annual rate by 2756; and

"(C) the computation of such firefighter's daily, weekly, or biweekly rate shall be based on subparagraphs (A) and (B), as each applies to the hours involved.

"(2) For purposes of sections 5595(c), 5941, 8331(3), and 8704(c), and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe, the basic pay of a firefighter subject to this subsection shall include—

"(A) an amount computed under paragraph (1)(A) for the hours within the basic 40-hour workweek; and

"(B) an amount equal to the firefighter's basic hourly rate (as computed under paragraph (1)(B)) for all hours outside the basic 40-hour workweek that are within such firefighter's regular tour of duty (including overtime hours).

"(d)(1) A firefighter who is subject to this section shall receive overtime pay in accordance with section 5542, but shall not receive premium pay provided by other provisions of this subchapter.

"(2) For the purpose of applying section 7(k) of the Fair Labor Standards Act of 1938 to a firefighter who is subject to this section, no violation referred to in such section 7(k) shall be deemed to have occurred if the requirements of section 5542(a) are met, applying section 5542(a) as provided in subsection (f) of that section. The overtime hourly rate of pay for such firefighter shall in all cases be an amount equal to one and one-half times the firefighter's hourly rate of basic pay under subsection (b)(1)(A) or (c)(1)(B) of this section, as applicable.

"(3) The Office of Personnel Management may prescribe regulations, with respect to firefighters subject to this section, that would permit an agency to reduce or eliminate the variation in the amount of firefighters' biweekly pay caused by work scheduling cycles that result in varying hours in the regular tours of duty from pay period to pay period. Under such regulations, the pay that a firefighter would otherwise receive for regular tours of duty over the work scheduling cycle shall, to the extent practicable, remain unaffected."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5545a the following:

"5545b. Pay for firefighters."

(c) TRAINING.—Section 4109 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d) Notwithstanding subsection (a)(1), a firefighter who is subject to section 5545b of this title shall be paid basic pay and overtime pay for the firefighter's regular tour of duty while attending agency sanctioned training."

(d) INCLUSION IN BASIC PAY FOR FEDERAL RETIREMENT.—Section 8331(3) of title 5, United States Code, is amended—

(1) by striking "and" after subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (G);

(3) by inserting the following:

"(E) with respect to a criminal investigator, availability pay under section 5545a of this title;

"(F) pay as provided in section 5545b (b)(2) and (c)(2); and"; and

(4) by striking "subparagraphs (B), (C), (D), and (E)" and inserting "subparagraphs (B) through (G)".

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the first day of the first applicable pay period which begins on or after the later of October 1, 1998, or the 180th day following the date of enactment of this section.

(f) **REGULATIONS.**—Under regulations prescribed by the Office of Personnel Management, a firefighter subject to section 5545b of title 5, United States Code, as added by this section, whose regular tours of duty average 60 hours or less per workweek and do not include a basic 40-hour workweek, shall, upon implementation of this section, be granted an increase in basic pay equal to 2 step-increases of the applicable General Schedule grade, and such increase shall not be an equivalent increase in pay. If such increase results in a change to a longer waiting period for the firefighter's next step increase, the firefighter shall be credited with an additional year of service for the purpose of such waiting period. If such increase results in a rate of basic pay which is above the maximum rate of the applicable grade, such resulting pay rate shall be treated as a retained rate of basic pay in accordance with section 5363 of title 5, United States Code.

(g) **NO REDUCTION IN REGULAR PAY.**—Under regulations prescribed by the Office of Personnel Management, the regular pay (over the established work scheduling cycle) of a firefighter subject to section 5545b of title 5, United States Code, as added by this section, shall not be reduced as a result of the implementation of this section.

#### AMENDMENT NO. 3344

(Purpose: To amend chapter 36 of title 39, United States Code, to provide for an annual report on international services of the Postal Service)

At the appropriate place at the end of title VI, insert the following:

#### SEC. \_\_\_\_ INTERNATIONAL MAIL REPORTING REQUIREMENT.

(a) **IN GENERAL.**—Chapter 36 of title 39, United States Code, is amended by adding after section 3662 the following:

#### "§3663. Annual report on international services

"(a) Not later than July 1 of each year, the Postal Rate Commission shall transmit to each House of Congress a comprehensive report of the costs, revenues, and volumes accrued by the Postal Service in connection with mail matter conveyed between the United States and other countries for the previous fiscal year.

"(b) Not later than March 15 of each year, the Postal Service shall provide to the Postal Rate Commission such data as the Commission may require to prepare the report required under subsection (a) of this section. Data shall be provided in sufficient detail to enable the Commission to analyze the costs, revenues, and volumes for each international mail product or service, under the methods determined appropriate by the Commission for the analysis of rates for domestic mail."

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 63 of title 39, United States Code, is amended by adding after the item relating to section 3662 the following:

"3663. Annual report on international services."

#### AMENDMENT NO. 3345

(Purpose: To express the sense of the Senate on the use of random selection of returns for examination by the Internal Revenue Service)

At the appropriate place at the end of title I, insert the following:

#### SEC. \_\_\_\_ SENSE OF THE SENATE ON THE USE OF RANDOM SELECTION OF RETURNS FOR EXAMINATION BY THE INTERNAL REVENUE SERVICE.

(a) **FINDINGS.**—The Senate finds that—

(1) in 1995, the Internal Revenue Service indefinitely postponed the 1994 Taxpayer Compliance Measurement Program, a program of audits using random selection techniques (in this section referred to as "random audits");

(2) Congress, taxpayer groups, tax practitioners, and others criticized the program because of its cost to and burden on taxpayers;

(3) there is no law preventing the Internal Revenue Service from resuming its Taxpayer Compliance Measurement Program; and

(4) random audits may be overly burdensome on taxpayers, particularly low-income taxpayers.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Internal Revenue Service should make it a top priority to ensure fairness to taxpayers when selecting returns for audit;

(2) the Senate does not approve of the use of random audits of the general population of taxpayers or tax returns; and

(3) the Internal Revenue Service should not conduct random audits of the general population of taxpayers or tax returns.

#### AMENDMENT NO. 3346

(Purpose: To make modifications to language in Title III)

At the appropriate place, strike and insert the following:

On Page 40, line 25, after the word "campaign," strike through Page 41, line 16 through "campaign," and insert in lieu thereof "(3) ONDCP, or any agent acting on its behalf, may not obligate any funds for the creative development of advertisements from for-profit organizations, not including out-of-pocket production costs and talent re-use payments, unless (a) the advertisements are intended to reach a minority, ethnic or other special audience that cannot be obtained on a pro bono basis within the time frames required by ONDCP's advertising and buying agencies, and (b) it receives prior approval from the Senate Committee on Appropriations, (4) ONDCP will secure corporate sponsorship equaling 40 percent of the appropriated amount in fiscal year 1999, the definition of which is a contribution that is not received as a result of leveraging funds to receive said sponsorship, corporate sponsorship equaling 60 percent of the appropriated amount in fiscal year 2000, corporate sponsorship equaling 80 percent of the appropriated amount in fiscal year 2001, corporate sponsorship equaling 100 percent of the appropriated amount in fiscal year 2002, and will report quarterly on its efforts to meet this goal, (5) ONDCP is mandated to use appropriated funds solely to fund the anti-drug media campaign to include only the purchase of media time and space, talent re-use payments, out-of-pocket advertising production costs, testing and evaluation of advertising, evaluation of the effectiveness of the media campaign, the negotiated fees for the winning bidder on the request for proposal recently issued by ONDCP, partnership with community, civic, and professional groups, and government organizations related to the media campaign, entertainment industry collaborations to fashion anti-drug messages in movies, television programming, and popular music, interactive (Internet and new) media projects/activities, public information (News Media Outreach), and corporate sponsorship/participation, (6) ONDCP shall not obligate funds provided for the national media campaign for fiscal year 1999 until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Senate Committee on Appropriations, and may obligate up to 75 percent of these funds until ONDCP has submitted the evaluation and results of Phase I of the campaign to the Committees,"

Mr. CAMPBELL. Mr. President, the package of amendments I have sent to the desk have been agreed to by both sides.

This package includes the following items:

Language regarding antique firearms regulation and an exemption for muzzle loader firearms under the Gun Control Act;

A technical correction regarding the Federal Financing Bank in order to reflect the true amount of debt accumulated;

Senator SARBANES language reforming Federal firefighter overtime pay;

Senators COCHRAN and STEVENS language on the Postal Service providing an annual report regarding international postal services;

A sense-of-the-Senate from Senator COVERDELL regarding the IRS and random audits;

Finally, the last is language changes relating to the drug czar's office media campaign and the programmatic goals of this campaign.

I yield to Senator KOHL.

Mr. KOHL. Mr. President, these are very good amendments. I support the amendments fully.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that these amendments be agreed to en bloc and that the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3341 through 3346) were agreed to.

#### AMENDMENT NO. 3347

(Purpose: To insert an omitted funding total in Title IV)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. CAMPBELL), for himself, and Mr. KOHL, proposes an amendment 3347.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following: On page 45, line 21 after "U.S.C. 490(f)", the " " insert "\$508,752,000 to be deposited into the Fund. The ".

Mr. CAMPBELL. Mr. President, this amendment makes a technical correction to title IV under the General Services Administration's Federal Buildings Fund to list the amount we are appropriating in this fund.

Mr. KOHL. Mr. President, I support this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3347) was agreed to.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 12:15 p.m.

Thereupon, at 11:54 a.m., the Senate recessed until 12:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

The PRESIDING OFFICER. The pending business is the Treasury and General Government appropriations bill, fiscal year 1999.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FEDERAL ACTIVITIES INVENTORY REFORM ACT

Mr. THOMAS. Mr. President, there are a number of things that many of us feel to be very important in terms of principles. One of them is federalism, of course—making the appropriate division between those things that are done in State government and those things that are done in local government, and the role of Federal Government. Another, it seems to me, is to do those things that can be done in the private sector, and that has, indeed, been the policy of this Government for a very long time.

I rise today to express my deep appreciation for the members of the Senate Governmental Affairs Committee and staff for their time and effort in developing a consensus on my legislation to codify this 40-year-old Federal principle that has been in place.

In the beginning of this Congress, I introduced S. 314, the Freedom from Government Competition Act. This legislation is an attempt to put in statute a workable process by which the Federal Government utilizes the private sector to do those things that are commercial in nature. This, indeed, has been the policy of the Government for a very long time. In fact, as early as 1932, Congress first became aware of the fact that the Federal Government was starting to carry out activities of a commercial nature and said that is not necessary and we should not do that.

In 1954, a bill to address the issue passed the House and was reported by the Committee on Governmental Affairs. At that time, the Eisenhower administration said that we would take care of it administratively. Therefore,

Bureau of the Budget Bulletin 55-4 was issued, and there was no further action taken.

To make a relatively long story short, all the administrations since that time in one way or another have endorsed the idea of taking those things that could at least as well be done in the private sector as in the Government, allowing for some competition.

There is a circular now called A-76 which has been endorsed since 1955. Unfortunately, it hasn't been enforced. Unfortunately, when it is only a bulletin or Executive order, there is no real appeal process. What we are seeking to do is to put that concept into statute—it has now been approved by the committee in the Senate; it has been approved by the committee in the House—that would simply say to agencies, we want you to take an annual inventory of those kinds of things that you do, those that are commercial in nature. There ought to be a fair opportunity for the private sector to seek to compete in those areas.

Mr. President, we hope that that will come before the Senate and the House before this session is over; that it would, indeed, be put in statute, that concept that has been there for a very long time, the notion simply being that the taxpayers benefit from the cost, and whoever can do this the most efficiently, whether it be mapping, whether it be laboratory work, whether it be all kinds of things that are often and always done in the private sector, that can be done better and more efficiently there, will, indeed, be done there.

To reiterate, that policy is now found in OMB Circular A-76 and has been endorsed by every administration, of both parties, since 1955. However, the degree of enthusiasm for implementation of the circular has varied from one administration to another. In fact, the issue of government competition has become so pervasive that all three sessions of the White House Conference on Small Business, held in 1980, 1986 and 1995, ranked this as one of the top problems facing America's small businesses. According to testimony we received, it is estimated that more than half a million Federal employees are engaged in activities that are commercial in nature.

However, the purpose of my legislation is not to bash Federal employees. I believe most are motivated by public service and are dedicated individuals. However, from a policy standpoint, I believe we have gone too far in defining the role of government and the private sector in our economy. Because A-76 is nonbinding and discretionary on the part of agencies, too many commercial activities have been started and carried out in Federal agencies. Because A-76 is not statutory, Congress has failed to exercise its oversight responsibilities. Further, by leaving "make or buy" decisions to agency managers, there has been no means to assure that agencies "govern" or restrict themselves to in-

herently governmental activities, rather than produce goods and services that can otherwise be performed in and obtained from the private sector.

Among the problems we have seen with Circular A-76 is (1) agencies do not develop accurate inventories of activities (2) they do not conduct the reviews outlined in the Circular, (3) when reviews are conducted they drag out over extended periods of time and (4) the criteria for the reviews are not fair and equitable. These are complaints we heard from the private sector, government employees, and in some cases from both.

In the 1980's our former colleague Senator Warren Rudman first introduced the "Freedom from Government Competition Act" in the Senate. Later, Representative JOHN J. DUNCAN, Jr. (R-TN) introduced similar legislation in the House. I was a cosponsor of that bill when I served in the other body. Upon my election to the Senate in the 104th Congress, I introduced the companion to Representative DUNCAN's bill in the Senate.

On Wednesday, July 15, 1998 the Senate Governmental Affairs Committee unanimously reported a version of S. 314 that is a result of many months of discussions among both the majority and minority on the committee, OMB, Federal employee unions and private sector organizations. The amendment in the nature of a substitute offered by Chairman FRED THOMPSON and approved by the committee is a consensus and a compromise.

It is important to point out that the bill that I introduced in the 104th Congress was an attempt to codify the original 1955 policy that the government should rely on the private sector. After a hearing on that bill was convened by Senator STEVENS, during his tenure as chairman of the Committee on Governmental Affairs, it became clear to me that it was necessary to add to the bill the concept of competition to determine whether government performance or private sector performance resulted in the best value to the American taxpayer. While S. 314 as introduced, and H.R. 716 introduced in the House, was still entitled the "Freedom from Government Competition Act," it in fact not only did not prevent government competition, but it mandated it. This was not a change that private sector organizations came to comfortably support. However, inasmuch as OMB Circular A-76 changed through the years from its original 1955 philosophical statement to its more recent iterations that required public-private competition, I revised my bill when introducing it last year to include such competitions, provided they in fact are conducted and that when conducted, they are fair and equitable comparisons carried out on a level playing field.

I would also hasten to add that the measure reported by the Senate Governmental Affairs Committee, which I hope will be promptly approved by the